

### **REMARKS**

Claims 1-49 are pending and stand rejected. The rejected independent claims are claims 1, 4, 7, 9, 10, 11,12, and 48. All claims are rejected as anticipated by *Kim* (U.S. Application No. 2002/0061764). *Kim* is a new reference that was not previously cited. Applicant notes that *Kim* has issued as a patent on April 11, 2006 with patent number 7,027,828.

#### **Present Claim 1 Should be Allowed**

*Kim* is fundamentally different from the present claimed invention. As stated in the title and field of invention of *Kim*, that invention is directed to configuring a downlink shared channel DSCH. In contrast, for example, present claim 1 specifically recites configuring a radio uplink. These are very different problems, and thus the solution offered by the present invention is very different than the solution offered by *Kim*.

Furthermore, as discussed in the present specification and in present claim 1, a network element (e.g. at the Node B) is in configuration control, instead of the RNC being in configuration control. This innovation of the present claimed invention significantly reduces delays.

Compare the present claimed invention to *Kim*. Paragraph 4 of *Kim* states that RNC 106 “controls” dedicated resources assigned to a mobile station. Likewise, paragraph 7 of *Kim* states that RNC 106 “controls” dedicated resources assigned to base stations, while the RNC 114 provides resources to a mobile station. Thus, even if *Kim* were concerned about configuring an uplink instead of a downlink, still *Kim* discloses that an RNC controls the configuration, instead of a network element controlling the configuration, the network element being located between the RNC and the user equipment.

**Present Claim 2 Has Additional Patentable Features**

Present claim 2 specifically states that the network element (Node B) sends an acknowledgement message in the radio downlink to the UE “following” a correct reception of the packet transmitted by the UE in the radio uplink. However, figs 12-14D of *Kim* only show interfaces between the Node Bs and the RNCs, not the radio interface to the UE. Thus, *Kim* cannot possibly suggest or anticipate sending anything (not to mention acknowledgements of correctly received packets) in the radio downlink.

Likewise, there is no indication in *Kim*’s figures of any acknowledgement messages of any correctly received payload packets. Present claim 2 teaches forwarding a correctly received uplink payload packet (transmitted in the radio uplink by the UE to the Node B) from the Node B to the RNC. As mentioned, there is no suggestion in *Kim* of any payload delivery from the UE in the radio uplink, nor any mention in *Kim* of transporting the payload packet to the RNC after correct reception from the UE.

**Further Remarks About Present Claim 1**

*Kim* describes a means for setting the power of the TFCI1 and TFCI2 fields of the DL DPCCH when sent with PDSCH based on the configuration of the RNC. *Kim* only describes how to send a radio link specific parameter to configure a radio downlink.

A key point about present claim 1 is that the RNC sends both a radio link specific parameter and a cell specific parameter to the Node B. This is not anticipated or even suggested by *Kim*.

Also, of course, a primary feature of present claim 1 is the radio uplink, whereas *Kim* discusses a radio downlink.

Furthermore, present claim 1 teaches transmitting a payload packet in the radio uplink, and delivering that packet from the Node B to the RNC; in contrast, *Kim* does not teach or suggest anything about delivering a packet from the UE in the uplink direction.

The Office Action cites *Kim*’s figures 1 and 2, but those figures are generic radio network architecture diagrams, and they are therefore referred to in the background section of *Kim*. Those two figures do not have any relation to cell specific and radio link specific parameters in one or

more messages for configuring the radio uplink. Likewise, *Kim*'s figures 5 and 6 are generic user and control plane protocol architecture figures, and are therefore only mentioned in the background section of *Kim*.

The Office Action also cites *Kim*'s figures 9A-17E, but several of those figures merely describe a means of delivering TFCI1 and TFCI2 fields of the DL DPCCCH with the DL PDSCH (see figures 9A, 9B, 9C, 9D, 11, 17A, 17B, 17C, 17D, 17E). And, the cited figures 10A, 10B, 12, 13, 14A, 14B, 14C, 14D, 15A, 15B, 15C, 15D, 16A, 16B, 16C, 16D are all related to configuring the radio downlink, instead of an uplink.

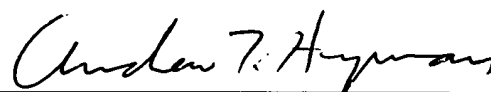
Even if we ignore the critical difference of uplink and downlink, *Kim* does not teach configuring a cell specific parameter, nor transmitting a payload packet from the Node B to the RNC.

CONCLUSION

The present arguments also apply to the other independent claims, and of course to the claims depending therefrom. Therefore, early allowance of the independent claims, and the pending claims depending therefrom, is earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant's attorney by telephone if the Examiner detects anything in the pending claims that might hinder allowance.

Respectfully submitted,

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